

REMARKS

By this paper, claims 1, 19, 38-41 and 43 have been amended and claims 29-37 and 45-52 have been canceled. Accordingly, claims 1-16, 18-21, 38-44 and 53-55 are pending.

In the outstanding final Office action dated August 29, 2005, claim 1 was rejected under 35 U.S.C. § 112 as lacking sufficient antecedent basis for the recitation of "underlying vessel morphology" in claim 1. Accordingly, claim 1 has been amended to provide proper antecedent basis and as such, it is believed that the § 112 rejection has been traversed.

Additionally, in the outstanding final Office action, claims 19-21, 29, 34, 35, 37, 38, 43, 45, 51, 53 and 54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fariabi (6,419,693) and claims 41-48 were rejected under § 102(e) as being anticipated by Jalisi (6,620,192). Moreover, claims 1-9, 13, 53 and 55 were rejected under 35 U.S.C. § 103(a) as being obvious over Fariabi in view of Jalisi.

As an initial matter, it is respectfully submitted that the Jalisi patent is not available as prior art for an obviousness rejection under 103(a). Significantly, both the present application and the Jalisi patent are assigned to Advanced Cardiovascular Systems, Inc. and the Jalisi patent only qualifies as art under § 102(e). Accordingly, the Applicants respectfully traverse the § 103(a) rejection and submit that claims 1-9, 13, 53 and 55 recite allowable subject matter.

The Applicants have also amended and canceled a number of claims to traverse the § 102(e) rejections. In particular, claim 19 has been rewritten in dependent form and now claim 19 and its dependent claims 20 and 21 each depend from allowable claim 1. Similarly, the dependency of claims 38-41 and 43 has been changed so that those claims as well as their respective dependent claims (See claims 42 and 44) also depend from

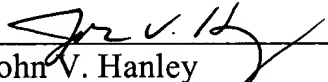
allowable claim 1. Furthermore, it is believed that each of the previously withdrawn claims (10-12, 14-16, 18 and 54) are now allowable due to their direct or indirect dependency from independent claim 1 since claim 1 now constitutes an allowable generic claim. Accordingly, it is believed that each of pending claims 1-16, 18-21, 38-44 and 53-55 can be passed to issue.

CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
John V. Hanley
Registration No. 38,171

JVH:kst

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
105218.1